

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
HEARING OF JUNE 20, 2007**

REGULAR MEETING

9:00 A.M.

June 20, 2007

PRESENT:

COMMISSIONERS:	Paul Biane Bob Colven, Chairman James V. Curatalo, Alternate Dennis Hansberger, Vice Chairman	Mark Nuaimi Richard P. Pearson A.R. "Tony" Sedano,
Alternate	Brad Mitzelfelt, Alternate	Diane Williams, Alternate
STAFF:	Kathleen Rollings-McDonald, Executive Officer Clark H. Alsop, Legal Counsel Samuel Martinez, LAFCO Analyst Michael Tuerpe, LAFCO Analyst Debby Chamberlin, Clerk to the Commission	

ABSENT:

COMMISSIONERS:	Kimberly Cox	Larry McCallon
-----------------------	---------------------	-----------------------

9:00 A.M. – CONVENE CLOSED SESSION OF THE LOCAL AGENCY FORMATION COMMISSION – Conference Room adjacent to the San Bernardino City Council Chambers located at 300 North D Street, First Floor, San Bernardino.

Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a)): San Bernardino Valley Water Conservation District v. Local Agency Formation Commission, Superior Court Case No. SCVSS 147526.

9:10 A.M. – RECONVENE TO REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION – San Bernardino City Council Chambers.

CALL TO ORDER – FLAG SALUTE

Chairman Colven calls the regular session of the Local Agency Formation Commission to order and leads the flag salute.

Chairman Colven says for the record, the Commission met in Closed Session to discuss the litigation listed on the Agenda. He announces that no reportable action was taken.

Chairman Colven requests those present who are involved with any of the changes of organization to be considered today by the Commission and have made a contribution of more than \$250 within the past twelve months to any member of the Commission to come forward and state for the record their name, the member to whom the contribution has been made, and the matter of consideration with which they are involved. There are none.

Chairman Colven requests that an item be added to the agenda for presentation at the conclusion of the hearing. Commissioner Pearson moves approval of agenda addition, seconded by Commissioner Williams; no opposition was expressed.

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
HEARING OF JUNE 20, 2007**

APPROVAL OF MINUTES FOR REGULAR MEETING OF MAY 16, 2007

Chairman Colven calls for any corrections, additions, or deletions to the minutes. There are none. Commissioner Pearson moves approval of the minutes as presented, seconded by Commissioner Williams. Chairman Colven calls for a voice vote on the motion and it is as follows: Ayes: Colven, Curatalo, Hansberger, Biane, Pearson, Williams. Noes: None. Abstain: None. Absent: Cox (Curatalo voting in her stead), McCallon (Williams voting in his stead), Nuaimi.

CONSENT ITEMS

LAFCO considers the items listed under its consent calendar. Chairman Colven states that the consent calendar consists of:

- (1) approval of the Executive Officer's expense report;
- (2) approval of payments as reconciled for the month of May 2007 and noting cash receipts

A Travel Claim and Visa Justification for the Executive Officer's expense report, as well as staff reports outlining the staff recommendations for the reconciled payments have been prepared and a copy of each is on file in the LAFCO office and is made a part of the record by its reference herein. Notice of these consent items has been advertised as required by law through publication in The Sun, a newspaper of general circulation.

Chairman Colven asks if there is anyone present wishing to discuss any of the consent calendar items. There is no one.

Commissioner Biane moves approval of the staff recommendations for the consent calendar items, seconded by Commissioner Williams. Chairman Colven calls for any objections to the motion. There being none, the voice vote is as follows: Ayes: Colven, Curatalo, Hansberger, Biane, Pearson, Williams. Noes: None. Abstain: None. Absent: Cox (Curatalo voting in her stead), McCallon (Williams voting in his stead), Nuaimi.

CONTINUED ITEMS:

CONTINUED FROM MARCH 21, 2007 – CONSIDERATION OF : (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3018; AND (2) LAFCO 3018 – SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR COUNTY SERVICE AREA 42 – APPROVE STAFF RECOMMENDATION

LAFCO conducts a public hearing, continued from March 21, 2007, to consider the CEQA Statutory Exemption for LAFCO 3018 Service Review and Sphere of Influence Update for County Service Area 42. Notice of the original hearing on February 21, 2007 was advertised as required by law through publication in The Sun and the Victor Valley Daily Press, newspapers of general circulation in the area. Individual notice has been provided for the original and continued hearing to affected and interested agencies, County departments, and those individuals and agencies requesting mailed notice.

LAFCO Analyst Michael Tuerpe presents the staff report, a complete copy of which is on file in the LAFCO office and is made part of the record by its reference herein. Mr. Tuerpe states that staff is requesting an additional continuance of LAFCO 3018 - Service Review and Sphere of Influence Update for County Service Area 42. Mr. Tuerpe indicates that Special Districts Department originally indicated no change to the sphere of influence boundary for CSA 42. However, since that time, a potential annexation of six non-contiguous parcels currently served by TXI – Riverside Cement has been prepared requiring a sphere modification. Furthermore, staff will require additional time to determine an appropriate sphere expansion boundary for CSA 42 which reflects the Oro Grande community based upon the Commission's adopted sphere policies. Staff's recommendation is for a continuance to the August 15, 2007 hearing.

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
HEARING OF JUNE 20, 2007**

Commissioner Biane moves approval of the staff recommendations, seconded by Commissioner Pearson. Chairman Colven calls for any objections to the motion. There being none, the voice vote is as follows: Ayes: Colven, Curatalo, Hansberger, Biane, Pearson, Williams. Noes: None. Abstain: None. Absent: Cox (Curatalo voting in her stead), McCallon (Williams voting in his stead), Nuaimi.

CONTINUED FROM MARCH 21, 2007 – CONSIDERATION OF : (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3024; AND (2) LAFCO 3024 – SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR COUNTY SERVICE AREA 64 – APPROVE STAFF RECOMMENDATION

LAFCO conducts a public hearing continued from March 21, 2007 to consider the CEQA Statutory Exemption for LAFCO 3024 Service Review and Sphere of Influence Update for County Service Area 64. Notice of the original hearing on February 21, 2007 was advertised as required by law through publication in The Sun and the Victor Valley Daily Press, newspapers of general circulation in the area. Individual notice has been provided for the original and continued hearing to affected and interested agencies, County departments, and those individuals and agencies requesting mailed notice.

LAFCO Analyst Michael Tuerpe presents the staff report, a complete copy of which is on file in the LAFCO office and is made part of the record by its reference herein. Mr. Tuerpe states that the original position of the Special Districts Department on the Municipal Service Review/Sphere update for County Service Area 64 indicated no change. However, LAFCO staff, with consent of the Special Districts Department staff, proposes to modify CSA 64's sphere of influence boundary to better reflect the City of Victorville and Town of Apple Valley communities based on the Commission's adopted sphere policies as well as the area currently served by CSA 64.

LAFCO staff is also awaiting response from the Special Districts Department regarding the clarification of the types of services currently provided by CSA 64. Staff's recommendation is for a continuance to the August 15, 2007 hearing.

Commissioner Biane moves approval of the staff recommendations, seconded by Commissioner Pearson. Chairman Colven calls for any objections to the motion. There being none, the voice vote is as follows: Ayes: Colven, Curatalo, Hansberger, Biane, Pearson, Williams. Noes: None. Abstain: None. Absent: Cox (Curatalo voting in her stead), McCallon (Williams voting in his stead), Nuaimi.

CONTINUED FROM MAY 16, 2007 – CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3020; AND (2) LAFCO 3020 – SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR COUNTY SERVICE AREA 9 (PHELAN)

AND

CONTINUED FROM MAY 16, 2007 – CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3023A; AND (2) LAFCO 3023A – SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR COUNTY SERVICE AREA 56 (WRIGHTWOOD/PINON HILLS)

AND

CONTINUED FROM MAY 16, 2007 – CONSIDERATION OF: LAFCO 3070 – REORGANIZATION TO INCLUDE FORMATION OF PHELAN PINON HILLS COMMUNITY SERVICE DISTRICT, DETACHMENT FROM COUNTY SERVICE AREA 56 AND DISSOLUTION OF COUNTY SERVICE AREA 9, COUNTY SERVICE AREA 56 IMPROVEMENT ZONE F-1 AND COUNTY SERVICE AREA 70 IMPROVEMENT ZONES L AND P-4

LAFCO conducts a public hearing continued from May 16, 2007, to consider Municipal Service Reviews (hereinafter "MSRs") for the communities of Phelan and Pinon Hills, Including County Service Area (CSA) 70, Improvement Zones G (Oak Springs), L (Phelan/Pinon Hills) and P-4; to conduct MSRs and sphere of influence updates for LAFCO 3020-CSA 9 (Phelan), LAFCO 3023A-CSA 56 (Wrightwood/Pinon Hills); and to consider LAFCO 3070-Reorganization to Include Formation of Phelan Pinon Hills Community Service District (hereinafter "CSD"), Detachment from CSA 56 and Dissolution of CSA 9, CSA 56 Zone F-1 and CSA 70 Zones L and P-4.

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
HEARING OF JUNE 20, 2007**

Notice of the original hearing on May 16, 2007 was advertised as required by law through publication in The Sun, a newspaper of general circulation, and through publication of a one-eighth page legal ad in the Victor Valley Daily Press, a newspaper of general circulation in the area. Individual notice of this hearing was provided to affected and interested agencies, County departments and those individuals and agencies requesting mailed notice.

Executive Officer Kathleen Rollings-McDonald presents the staff report, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference herein. Ms. McDonald states that at the May 16th hearing, LAFCO staff outlined the proposal known as LAFCO 3070 to form a Community Services District (hereinafter CSD) for the communities known as Phelan and Pinon Hills, an area of approximately 128 square miles (81,920 acres). At that time she outlined what items were needed in order to move forward with the Reorganization and formation of the Phelan Pinon Hills CSD. In addition, at the May hearing the Commission conducted the MSRs/Sphere Updates for the agencies affected by the formation proposal: CSA 9, CSA 56 (Wrightwood/Pinon Hills), CSA 56 Zone F-1 (Pinon Hills) and CSA 70 Zone L (Phelan/Pinon Hills). The Commission continued the consideration of a zero sphere of influence designation for CSA 9 and the sphere of influence reduction on CSA 56 to the June hearing for further environmental assessment. As of the date of the staff report, no additional information has been received related to LAFCO 3070; therefore, LAFCO staff cannot move forward and provide the Commission with an evaluation of the proposal for final consideration. This determination affects the election date for the formation proposal. LAFCO staff had worked towards allowing for a November election for the formation of this District; however, at this time staff will work towards placing this on the February 5, 2008, Presidential primary election.

One of the key issues remaining to be resolved is the transfer of the existing loan held by CSA 70 Zone L from the California Infrastructure and Economic Development Bank (CIEDB) to the new CSD. There are specific requirements that must be met in order to authorize the transfer upon the formation of the CSD; specific required materials are to be received and to date those materials have not been provided. Staff's recommendation is for a continuance to the July 18, 2007 hearing.

Chairman Colven states that he has a request to speak and he opens the hearing.

Charlie Johnson, Chair of the CSD Feasibility Committee states that he wants to thank the LAFCO staff for their efforts and diligence in trying to resolve the open issues with the formation of the CSD for Phelan/Pinon Hills. He also wanted to take the opportunity to thank Norm Kanold and Tom Sutton and the staff at Special Districts for all of their efforts and cooperation in the undertaking of this endeavor. Within the last 60 days everyone involved in this project has come together as a team to work on some of the issues; over a dozen different outstanding items have been identified and most of those items should be resolved by weeks end. A conference call has been scheduled to resolve a majority of the open issues. Mr. Johnson states that he is optimistic in the group's ability to resolve the outstanding issues in a timely manner. However, the biggest outstanding issue is the opinion of the legal counsel confirming the tax exempt status for the bond holders relative to the CIEDB loan.

Chairman Colven states that timeliness is an important factor.

Mr. Johnson responds that timeliness is absolutely a big factor and that the committee was disappointed in missing the November election; however, the issues are of such importance that it is better to spend the time to have the project completed correctly rather than have some of the same issues that have been raised in previous CSD formations, such as the Helendale CSD. They are trying to avoid some of the mistakes and capitalize on some of the things they have learned. Mr. Johnson states that the time will be well spent and everyone will be better off for it.

(It is noted that Commissioner Mitzelfelt arrives at 9:20 a.m.)

Mr. Johnson announces that he forgot to disclose at the beginning of his time that he has contributed over \$250 to Commissioner Mitzelfelt. Chairman Colven asks if the contribution was on the CSD issue.

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
HEARING OF JUNE 20, 2007**

Mr. Johnson responds that the contribution was not on the CSD issue, it was for Commissioner Mitzelfelt's campaign.

Clark Alsop, LAFCO Legal Counsel, states that the discussion regarding Mr. Johnson's contribution to Commissioner Mitzelfelt's campaign was discussed at last month's LAFCO Hearing; the Fair Political Practices Commission has determined that incorporations and formations are not considered a permit or other entitlement for use so it is not a problem.

Mr. Johnson states once more that he is very optimistic, that things are moving ahead in the right direction and is hopeful to take advantage of the additional time to reach out to the community and to communicate to the community about what the Feasibility Committee is trying to accomplish. There will be more people involved with the Presidential election so it is the Committee's obligation to reach out even further to make sure that everyone in the community knows what is going on.

Chairman Colven asks if the Commissioners have any questions. Hearing none he thanks Mr. Johnson for his time.

Chairman Colven calls for a motion from the Commission.

Commissioner Pearson moves approval of the staff recommendations, seconded by Commissioner Biane. Chairman Colven calls for any objections to the motion. There being none, the voice vote is as follows: Ayes: Colven, Curatalo, Hansberger, Biane, Pearson, Williams. Noes: None. Abstain: None. Absent: Cox (Curatalo voting in her stead), McCallon (Williams voting in his stead), Nuaimi.

DISCUSSION ITEMS

CONSIDERATION OF (1) REVIEW OF NEGATIVE DECLARATION PREPARED BY CITY OF FONTANA FOR CHERRY AVENUE-HEMLOCK AVENUE, SOUTH ANNEXATION 170 (ANX. 06-008) (SCH NO. 2006081026), AS CEQA RESPONSIBLE AGENCY FOR LAFCO 3077; (2) REVIEW OF ADDENDUM PREPARED BY LAFCO ENVIRONMENTAL CONSULTANT, AS CEQA LEAD AGENCY FOR LAFCO 3077; AND (3) LAFCO 3077 – CITY OF FONTANA ANNEXATION

Commissioner Biane states that he has a conflict on item #7 and will be abstaining on this issue.

Commissioner Hansberger states that he is not clear as to who the principles are for this item as he did not receive the listing of property owners for this item.

(It is noted that Commissioner Nuaimi arrives at 9:21 a.m.)

Sam Martinez, LAFCO Staff Analyst, responds that one of the primary property owners is Mr. Paul Conzelman;

Commissioner Nuami states that he has a conflict and will abstain on this issue.

Commissioner Mitzelfelt states that he will abstain on this item.

(It is noted that Commissioner Biane, Nuaimi and Mitzelfelt leave at 9:22 a.m.)

Executive Officer Kathleen Rollings-McDonald states that there are other property owners within the area, Young Homes being one of the landowners in the general area. Commissioner Hansberger asks if the LAFCO staff distributed the landowner listing to the commissioners. Ms. McDonald states that with distribution of the Notice of Hearing, the landowner listings were provided to all the commissioners. This was sent twenty-one days prior to today's hearing.

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
HEARING OF JUNE 20, 2007**

Commissioner Hansberger states that even though he has no contribution from either of the mentioned landowners, there are other property owners and he is currently unable to ascertain who they are, so he will abstain on this item.

Ms. McDonald asks if Commissioner Williams has a conflict.

Commissioner Williams states that she has a conflict and will abstain on this item.

(It is noted that Commissioner Williams leaves at 9:24 a.m.)

Ms. McDonald states that the abstentions results in a lack of quorum; therefore the matter can not be considered. Ms. McDonald asks Clark Alsop, LAFCO Legal Counsel for his direction, adding that Commissioners McCallon and Cox are not present at this meeting.

Clark Alsop, LAFCO Counsel, states that those who have a conflict can be re-qualified, so long as everyone otherwise available is present that is on the Commission. However, there are two Commission members who are not present. That being the case, the re-qualification process is not available. Therefore, without a quorum the matter cannot be heard and must be continued.

Commissioner Hansberger states that he is not familiar with the details of that provision but he knows that different boards interpret it differently. He states that he does not recommend that the re-qualification take place at the current meeting, however, it would be nice if the state would issue a document for everyone to look at that says "this is it".

Ms. McDonald asks Commissioner Hansberger if he was provided with a list at this time to review the names, would he be able to ascertain whether he had a conflict or not. Commissioner Hansberger states that he would have to compare them with actual documents he has at his home, so the answer would be no, he would not be able to ascertain whether he had a conflict.

Ms. McDonald asks for a brief recess.

(It is noted that the Commission breaks for a recess at 9:26 a.m. and reconvenes at 9:29 a.m.)

Ms. McDonald states that the Commission only has three voting members; there is no quorum so the Commission cannot conduct business regarding this proposal. A minimum of four votes is needed to move anything forward; therefore she is requesting that the Commission continue this item to the July 18, 2007 hearing.

Chairman Colven asks LAFCO Counsel if there is a timeliness issue in this matter. Mr. Alsop responds that there is not a timeliness issue from a LAFCO standpoint. Ms. McDonald states that the primary project proponents do have some timeliness issues, but the Commission can not move forward with this item. Therefore, it will have to be continued to the July 18, 2007 hearing as previously stated.

Chairman Colven moves to continue this agenda item to July, Second by Commissioner Pearson, The voice vote is as follows: Ayes: Colven, Curatalo, Sedano. Noes: none. Abstain: Biane, Hansberger, Mizelfelt, Nuaimi, Williamson. Absent: Cox (Curatalo voting in her stead), McCallon.

(It is noted that Commissioners Biane, Nuaimi, Mizelfelt and Williams return to the Commission hearing at 9:48 a.m.)

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
HEARING OF JUNE 20, 2007**

**REVIEW AND CONSIDERATION OF NOMINATION FOR SPECIAL DISTRICT RISK MANAGEMENT
AUTHORITY BOARD OF DIRECTORS**

LAFCO conducts a public hearing to review and consider the Nomination for Special District Risk Management Authority Board of Directors. Notice of this hearing has been advertised as required by law through publication in The Sun, a newspaper of general circulation. Individual notice of this hearing was provided to affected and interested agencies, County departments, those individuals and agencies requesting mailed notice.

Executive Officer Kathleen Rollings-McDonald presents the staff report for review and consideration of the Nomination for the Special District Risk Management Authority Board of Directors, a copy of which is on file in the LAFCO Office and is made a part of the record by reference herein. Ms. McDonald states that Commissioner Sedano has expressed an interest in seeking election to the Board of Directors of the Special District Risk Management Authority (SDRMA). SDRMA is the insurance Joint Powers Authority to which the Commission belongs for its Workers Compensation coverage and general insurance needs. Ms. McDonald states that staff recommendation is to adopt Resolution No. 2972 nominating Commissioner Sedano for a position on the Board of Directors of the Special District Risk Management Authority.

Chairman Colven asks if there are any comments from the Commission on this matter. There are none.

Commissioner Nuaimi moves approval of the staff recommendations, seconded by Commissioner Williams. Chairman Colven calls for any objections to the motion. There being none, the voice vote is as follows: Ayes: Colven, Curatalo, Hansberger, Biane, Pearson, Williams, Nuaimi. Noes: None. Abstain: None. Absent: Cox (Curatalo voting in her stead), McCallon (Williams voting in his stead).

**CONSIDERATION OF AMENDMENT TO CONTRACT WITH ALCOCK AND MCFADDEN FOR
RECRUITMENT OF THE CLERK TO THE COMMISSION POSITION**

LAFCO conducts a public hearing to review and consider the amendment to the contract with Alcock and McFadden. Notice of this hearing has been advertised as required by law through publication in The Sun, a newspaper of general circulation, and individual mailed notice was provided to affected and interested agencies and County departments.

LAFCO Analyst Michael Tuerpe presents the staff report to amend the contract with Alcock and McFadden for recruitment of the Clerk to the Commission position, a copy of which is on file in the LAFCO Office and is made a part of the record by reference herein. Mr. Tuerpe states that at the February hearing, the Commission reviewed and approved the contract with Alcock and McFadden, Human Resources Consultant to the Commission, to recruit for the Clerk to the Commission position and authorized the Executive Officer to sign the contract with a not-to-exceed cost of \$3,000. LAFCO has received invoices totaling \$3,400 to date. The overage cost is due to the additional processing of supplemental questionnaires that were sent out to each applicant. The majority of Alcock and McFadden's services have been completed and they estimate the total cost to be \$3,700 for the completion of the contracted services. Staff recommends that the Commission amend the contract with Alcock and McFadden to a cost not-to-exceed \$4,000 and authorize the Executive Officer to sign the amendment.

Commissioner Nuaimi moves approval of the staff recommendations, seconded by Commissioner Biane. Chairman Colven calls for any objections to the motion. There being none, the voice vote is as follows: Ayes: Colven, Curatalo, Hansberger, Biane, Pearson, Williams, Nuaimi. Noes: None. Abstain: None. Absent: Cox (Curatalo voting in her stead), McCallon (Williams voting in his stead).

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
HEARING OF JUNE 20, 2007**

PENDING LEGISLATION

Executive Officer Kathleen Rollings-McDonald presents the staff report on pending legislation, a copy of which is on file in the LAFCO Office and is made a part of the record by reference herein.

Ms. McDonald states that she has provided for the Commission a copy of the CALAFCO Legislative Report along with copies of the CALAFCO position letters related to pending legislation. In addition she has given the Commission those bills that are of a particular interest to our local LAFCO.

Ms. McDonald says that SB 301 (Romero) has now become a two-year bill. Its purpose is to establish, at the state level, a special fund in order to help fund comprehensive fiscal analysis for incorporation proposals. Originally this was designed to assist the East Los Angeles incorporation proposal; however, CALAFCO and others do not support such site specific bills so now the bills author is proposing that it be amended to include establishment of a general fund in order for groups to apply for these special loans for conducting the comprehensive fiscal analysis. As noted, this will not be considered this legislative term, but staff will continue to monitor the bill.

Ms. McDonald continues that SB 819 (Hollingsworth), a CALAFCO sponsored bill, to remove the sunset clause on the consolidation of unlike districts is moving forward. Support on this bill was presented to the Senate Local Government Committee by CALAFCO, San Bernardino LAFCO, and others. Opposition to the bill was provided by the San Bernardino Valley Water Conservation District. On May 15th the Senate Local Government Committee heard this bill and included language as an amendment to directly reflect that it would not apply to the Muni-Water Conservation District Consolidation. On May 30th, following intense discussion, new language was presented and is outlined in the staff report on page 2 as new Section 9, stating that the provisions do not apply to any proceedings for change for which an application has not been accepted. LAFCO Staff, LAFCO Legal Counsel, the State Legislative Counsel, and the Senate Local Government Committee have raised questions as to the actual effectiveness of the new language; however, it is the agreed upon language and is a compromise. Ms. McDonald adds that the bill is moving forward, it has a number of sponsors and staff believes that it is a very important tool for the Commission.

Ms. McDonald concludes by stating that she received information that SB 167 for the grants for conducting Municipal Service Reviews has died in committee, SB 162 the environmental justice bill has moved out of the Senate and is now going to the Assembly Local Government Committee on June 27th and the CALAFCO Omnibus bill AB 1744 has been amended to include a number of new items and as soon as that is finalized a copy will be distributed to the LAFCO Commission.

EXECUTIVE OFFICER'S REPORT

Ms. McDonald presents a written Executive Officer's report, a copy of which is on file in the LAFCO office and is made a part of the record by its reference herein. She says that she has provided the Commission with a copy of her response to the Baker Community Services District General Manager on the letter that he forwarded to the Commission following the adoption of the budget. She says that she has also provided a copy to the Independent Special Districts for their review.

Ms. McDonald informs the Commission that the LAFCO staff has now completed all thirty-two of the City of Fontana's islands. They are finished and are now part of the City of Fontana. The boundaries are clean, clear and understandable.

Ms. McDonald states that if anyone wishes to attend the Bloomington Incorporation Commission meeting being held this evening; they are going to be discussing their ongoing efforts to incorporate the City of Bloomington. The meeting is scheduled to take place at the Bloomington High School at 7:00 p.m., June 20, 2007.

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
HEARING OF JUNE 20, 2007**

Ms. McDonald notes that the reconsideration period for the consolidation of the Baldy Mesa and Victor Valley Water District has concluded. LAFCO staff will be opening the protest period which will begin June 26, 2007 and end on July 26, 2007.

Ms. McDonald says that the Commission has received the status report and at next months meeting the Commission will have a consent item for a service contract, Phelan/Pinon Hills CSD will be presented, the continued City of Fontana proposal will be presented, discussions will open on sewer powers for the Joshua Basin Water District and some other minor housekeeping items regarding the Special District Risk Management Association will also be discussed.

Ms. McDonald also states that in August the Commission will have the discussion of the Municipal Service Reviews for CSA 42 and CSA 64, it is also anticipated that there will be some minor follow-up items related to Phelan/Pinon Hills to conclude that consideration to move forward to the Board of Supervisors to place that on the February 5th election. The Commission will have a request from the Hi Desert Water District to expand its functions; they currently have sewer functions for study and engineering for a regional sewage treatment system and they are now requesting that that be expanded to collection treatment, reclamation and disposal. LAFCO staff may be starting some of the Service Reviews for the North Desert, that is dependant upon receipt of additional information and the conclusion of the mandatory meeting between the Town of Apple Valley, the County staff and planning department regarding requirements for development within their sphere of influence.

PRESENTATION OF RESOLUTIONS TO DEBBY CHAMBERLIN, RETIRING CLERK TO THE COMMISSION

Chairman Colven states that at this time the Commission will take up the Added Agenda Item which has to do with the loss of an employee. Chairman Colven asks Commissioner Biane to conduct the first presentation.

Commissioner Biane states that the Board of Supervisors adopted a Resolution recognizing all of Debby Chamberlin's years of service to the County of San Bernardino and to the LAFCO Commission. She spent over fifteen years working for the County of San Bernardino. Her career spanned several County Departments before being asked by the County to come and work for the Clerk of the Board and then, in 1992, she was asked to work at the LAFCO Commission office as Clerk to the Commission.

Commissioner Biane further states that Debby Chamberlin has done a great job as Clerk to the Commission; she made his job easier while he was the Chairman of the Commission by keeping him informed and was very helpful to his staff. He says that it is always with a sad heart but also one with a lot of excitement when people reach that retirement time in their lives to get out there and just has some fun and have all their time to themselves; Debby will be missed. He also states that on behalf of the Board of Supervisors he would like to thank Debby for all of the years of experience and service she has provided to the Board.

Commissioner Hansberger states he has had the privilege of knowing Debby for a number of years. She has always been one of those people that just stand out as model by her demeanor, composure, professionalism, and just her all around congeniality. She sets a very fine example for all of us to try to emulate. He also says that we will miss Debby and if she would like to come back and volunteer, she would be most welcome. He says that she has been a delight to work with over the years and thanks her for her hard work.

Commissioner Mitzelfelt states that he would like to thank Debby Chamberlin for her years of service.

Chairman Colven states that a Resolution from the San Bernardino County Local Agency Formation Commission is being presented to Debby Chamberlin, duly commending her for all of her years of service. In addition, Chairman Colven states that the San Bernardino County Employees Retirement Association awards to Debby a certificate of retirement.

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
HEARING OF JUNE 20, 2007**

Commissioner Pearson states that he would like to express his thanks to Debby Chamberlin for her efforts on behalf of this Commission. He also says that he would like to caution Debby; he says that you don't really retire, you go on to something else to do and he would like to challenge Debby to find the things that she has wanted to do for years and enjoy doing them. He urges her to keep her mind active and occupied as it is very important, especially for those entering the so called golden years, which in his experience are not so golden after all. He bids her the very best in whatever endeavor she decide to pursue and wishes her good luck.

Commissioner Sedano states that he would like to thank Debby once again. He says that he and Debby have been friends now since August of 1998, when he first came to LAFCO and she has been just an absolute perfect employee in his eyes. He says that she will never be forgotten and that the Commission will always be indebted to her. He wishes her the best of luck and tells her that if she would like to volunteer for something, he would gladly have her at the United Way as they could really use her.

Chairman Colven recalls a comment by Commissioner Curatalo regarding Debby Chamberlin's minutes, stating that he has complemented her on them on numerous occasions and finds her minutes very fulfilling. They give real insight in what transpires at each meeting and helps to refresh the Commissioner's memories.

Commissioner Nuaimi states that he was going to say that he was envious of Debby's retirement, but having heard that the Golden Years aren't quite so golden, maybe not. He says that he does envy her opportunity to enjoy her time. He thanks Debby for her commitment and says that her minutes are a godsend especially for someone who serves on multiple boards and maybe misses a meeting or two. He says that he can always get a clear sense from the level of detail that she includes in her minutes. He says that he wishes that she was on everyone of the committees that he serves on, because often times he is left scratching his head wondering what exactly happened when there are so many around the table. He tells Debby to enjoy her retirement; he thanks her for her commitment to public service. Clearly talented people have a lot of options and often times folks get frustrated with the public process and move on. He states that she has made the Commission a better organization and now that all the Fontana Islands are done he invites her to come to Fontana and visit the Islands.

Commissioner Williams states that she would also like to commend Debby, she has been joy to work with; and has done a great job. She says that she is going to be missed.

Clark Alsop states that he knew Debby back when she was with the Clerk of the Board; they go back a number of years. He says that he certainly appreciates the minutes, to be able to go through and see what actually happened. He wishes her well.

Cecila Lopez Henderson from the City of Fontana addresses the Commission stating that the City Council and Mayor of Fontana will be presenting to Debby a proclamation of appreciation on June 26, 2007 at the City Council meeting. She says that she worked with Debby for a long time before she went to work for the City of Fontana and thanks Debby and tells her that it was a pleasure working with her.

Kathy McDonald states that amid all the glowing remarks she is just angry. Debby reneged on her promise to stay until they both could retire and she is not going to forgive her. She says that we wish her the best and hope that everyone will visit her as the new reading lady in the North San Bernardino Library, which is one of her long standing goals. When the Commission stole Debby from the Clerk to the Board office they had to beg her to come work at LAFCO and Kathy hopes that the fifteen years that have been spent at LAFCO have been fulfilling.

Debby Chamberlin thanks the Commission and says that she remembers walking into Kathy's office in November and telling her that they were going to go out together but she decided that it was time to retire now. She says that it feels like just yesterday that she gave Kathy her resignation and now six months later the time has gone so very fast. She also says that she has enjoyed working with each and every one in the Commission.

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
HEARING OF JUNE 20, 2007**

In the past fifteen years all of the Commissioners she has had to work with have been wonderful. She says that the Commissioners have a very special place in her heart, some she knows better than others, some she has worked with longer than others, but it has been a good job. LAFCO has been very good to her. The County has been good to her too, she started with the County in 1968 working in Personnel, then she went to County Counsel then worked at the Board of Supervisors, then went to work for the Clerk of the Board and then came to LAFCO. LAFCO is her family, Kathy started out as her co-worker and she has been her boss now, but mostly she has been a dear friend. Ms. Chamberlin says that she appreciates Kathy very much and that the LAFCO staff is wonderful. She will miss the people, she will miss all the County people; she has made a lot of friends through out these years. Ms. Chamberlin also says that her heart is in volunteering, she will spend summer visiting with family and is looking forward to all the things she will get to do. She thanks the County and LAFCO for all their kind words and says that she really appreciates them.

COMMISSIONER COMMENTS

Chairman Colven calls for comments from the Commissioners. There are none.

COMMENTS FROM THE PUBLIC

Chairman Colven calls for comments from the public.

Michael Luhrs, Resident of Joshua Tree, states that he has some items to give to the Commissioners.

(It is noted that Mr. Luhrs has brought large envelopes of information to be distributed to the Commission, a complete copy of which is on file in the LAFCO Office.)

Mr. Luhrs says that the photographs are the main thing in the packet; the other items are for the Commission to look through at a later time. Mr. Luhrs states that he has come before the Commission because next month he may not be able to make the meeting and speak regarding the Joshua Basin Water District asking for sewer authority. With LAFCO's ability to delegate duties to other entities there is also the responsibility that those other entities are capable of following the law in doing whatever they ask for. In these photographs that have been distributed, he points out a number of things that the water district has done over the years. The first picture is an acid spill; he says that they dumped approximately fifteen gallons of acid on the ground in the open and let it sit there for two months and decided to clean it up only after he personally threatened to arrest the contractor after observing a couple of children riding their bicycles through it. They did clean it up. Mr. Luhrs states that the second photograph is how the water district disposed of between six and seven million gallons of highly toxic water. He says that the water had a enough muriatic acid in it to lower the ph to approximately 3%, which is about vinegar, which they promptly spread all over the desert, as you can see in the photograph. He says that they also had the chlorine level in excess of 200 parts per million; his test strips only went to 200 parts per million, it should have been purple, the strips turned black instead. That particular photograph is within 300 feet of an occupied tortoise burrow. Mr. Luhrs continues with the statement that because of what the water district was doing he ended up suing the water district, spending \$23,000 of his own money, and eventually settled out of court for a reasonable amount with the District. He also adds the he ran for office, was elected to the District again, stayed for a year, thought he had in place safeguards for the environment. He then quit the board, went back to his private business. He says that the next ten photographs are a recent project that the district did last year under a negative declaration. Under a negative declaration it says that there will be no damage to the environment and he says that he is sure that if the district trespassed on private property, dumped millions and millions of gallons of water and eroded thousands of cubic yards of soil on private property, that this action does not fall under a negative declaration. Mr. Luhrs explains his position that it would take hours to explain all the things that the District has done that are wrong.

Mr. Luhrs says that he does not want to bore the Commission with the details of those actions, however, he would like to discuss the issues with the LAFCO staff so that they can understand that allowing the

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
HEARING OF JUNE 20, 2007**

District to have anything to do with a sewage treatment plant where they are really dealing with toxic substances to him is just unbelievable. The District is just not capable.

He thought that the community would be able to vote the District out of office this year, unfortunately, due to other circumstances they now have an extra year in which to possibly cause even more damage than what they do now.

Mr. Luhrs continues with stating that in the letter in response to his letters, the District states that they have always had open meetings and everyone is welcome to present their comments, this is where the DVD that is part of the packet comes in. The District has what is called a Citizens Advisory Committee where all items are presented on odd nights and odd days when people can't make it but call them open meetings. He says that he paid a professional photographer to come in and film the meetings. He says that the Commission will find noted in the packet sections to look at that shows how he was treated in these meetings. Mr. Luhrs asks that either the Commission or the Commission Staff look at the information. Mr. Luhrs goes on to say that the Commission will also find a letter that outlines a few things and that at this time he is requesting that the Commission not add to the agenda, or to vote against the Activation of Sewer Powers for Joshua Basin Water District; he also asks that the Commission direct its Environmental Consultant to prepare a full EIR. Mr. Luhrs thanks the Commission.

Commissioner Hansberger states that he will be at the Joshua Tree MAC if Mr. Luhrs would like to discuss this item further at that time.

Iona Chelette, Treasurer for the Joshua Tree Community Advocates, states that she does not have packets for everyone, this endeavor is costly for community volunteers and she made packets based on the LAFCO letterhead only. A copy of the information is on file in the LAFCO office. She says that the Joshua Tree Community Advocates are asking the Commission to direct the Executive Officer to not place LAFCO 3074 on the July Agenda. She further states that they believe that sewer powers requested by the Joshua Basin Water District should not be granted under any circumstances without a full EIR in accordance with CEQA and NEPA requirements and that consideration should be dropped until Joshua Basin's regular, mandated service review which will occur within the next 1-2 years. This appears to be what the Commission is doing with the Phelan/Pinon Hills area. Ms. Chelette continues suggesting that LAFCO staff and consultants should be devoting maximum efforts to County Fire consolidation, which will benefit taxpayers throughout the County, instead of using its resources to fast-track this premature project.

She further indicates that these matters are addressed in the documents provided to the Commission today. She says that these are the same documents that she provided in response to the initial study, but she thinks that the Commission should have more than just a couple of weeks to review them. She says that there are no package sewer plants in Joshua Tree at this time and there is no requirement that Joshua Tree plan for sewerage at this time. She states that sewerage authority would be used by the current Joshua Basin board and staff to attempt to legislate on the local level their unpopular planning objectives; their objectives were shot down by the majority of the community and county planners, consultants and counsel during the past three years of proper planning procedures resulting in the recently adopted Joshua Tree Community Plan. Joshua Tree is not prepared in any respect for the foreseeable growth inducing consequences of sewerage authority and doesn't want a lot of growth.

Ms. Chelette states that Joshua Basin directors and staff have publicly stated they would use sewerage authority to induce community growth. They want to be in the forefront of a movement to sewer the Morongo Basin, although it is a neighboring municipality, not Joshua Tree, and that has a very critical situation at present, they need sewerage and are planning for it at this time. She says that they respectfully request the Commission's assistance in stopping staff efforts to accommodate a minority of pro-development individuals in our pro-conservation community. Essentially they would appreciate the Commission joining the county in honoring their Community Plan.

Ms. Chelette continues to state that if the Commissioners do not choose to delay consideration of this matter, they respectfully request that the Commissioners at least mandate the appropriate environmental review, a full EIR, on LAFCO 3070 because of the predictable growth inducing effects of sewerage

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
HEARING OF JUNE 20, 2007**

authority. She says that she extensively quoted CEQA in her response to Mr. Dodson's document and was sorry that he left the meeting.

She says that planning requires time, it requires thought, please stop this process enough so that we can chew on it. Joshua Tree is a special place, all we have to do is not mess it up. And I see a lot of your faces that I have seen over the years and I very much need and appreciate your cooperation.

Ms. Chelette concludes by stating that Ms. Chamberlin's minutes are fabulous. She says that she has a little minor criticism that actually might be to Ms. Rollings-McDonald. She did not say that county planning gave her stuff before anybody else, what she said is that they give everybody everything well before the comment period and that was her suggestion to Ms. McDonald, particularly if people are opposed to something. It's always good to make sure that everyone gets the documents to have the full 30 days, it is really a rush. Ms. Chelette thanks the Commission and invites them to come and see her community.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE HEARING IS
ADJOURNED AT 10:12 a.m. TO THE LAFCO STAFF OFFICE FOR A RECEPTION HONORING
DEBBY CHAMBERLIN, RETIRING AS THE CLERK TO THE COMMISSION.**

ATTEST:

REBECCA LOWERY
Deputy Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

ROBERT W. COLVEN, Chairman